

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	08CR888
)	
ROD BLAGOJEVICH)	Judge James B. Zagel
)	

OBJECTIONS TO JURY INSTRUCTIONS

Now Comes Defendant Rod Blagojevich, by and through his attorneys, and hereby formally objects, pursuant to Federal Rule of Criminal Procedure 30, to the instructions given to the jury in this case. In support thereof, Defendant states the following:

As stated in open court after the instructions were given to the jury, defendant Rod Blagojevich objects to the jury instructions pursuant to Fed. Rule Crim. Pro. 30.

Defendant hereby incorporates the objections made at the jury instructions conference and at other appearances before the court regarding jury instructions. Defendant objects to the giving of instructions offered by the government to which the defense objected. Defendant also objects to the refusal of defendant's offered instructions. Additionally, defense counsel previously filed a motion to renew objections made orally in court.

The government's instructions, of which a significant number were non-pattern, were one-sided statements of the law that are misleading for the jury. The court overruled objections made by the defense. In some instances, not only did the court overrule a defense objection to an instruction being given, but edited the instruction to make the problem with the instruction even more egregious. One example of this is government instruction number 48. When first proposed, it read, "The term "anything of value" includes money, property, and employment." After a defense objection to this instruction, the court, *sua sponte*, changed the instruction to read, "The term "anything of value" includes money, property, and *prospective* employment." Adding the 'prospective' language is unnecessary, and catered to the facts of this case in an effort to aid the prosecution in securing a conviction. Defense counsel strenuously objects to this ruling and the overall prejudicial pattern of rulings by the court.

Additionally, the defense renews its objections regarding the jury instructions related to honest services, wire fraud, scheme to defraud, and every instruction related to these counts (3-13). The instructions related to honest services were hastily crafted and argued, despite defense counsel's request pre-trial to continue the trial or to hold a pre-trial jury instructions conference. It was unreasonable to deny these requests and defendant Rod Blagojevich is now, again, prejudiced by the court's rulings. Defendant objects to the instructions applicable to counts 3-13.

Defendant incorporates by reference the prior arguments and objections regarding jury instructions.

WHEREFORE, Defendant Rod Blagojevich objects to the jury instructions.

Respectfully Submitted,
/s/ Sam Adam
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